

LSC STATE PLAN FOR MAINE
July 2002

TO WHAT EXTENT HAS A COMPREHENSIVE, INTEGRATED AND CLIENT-CENTERED LEGAL SERVICES DELIVERY SYSTEM BEEN ACHIEVED IN MAINE?

1) What are the important issues that impact upon low income people within your State? How is your state responding to those issues?

As is the case for low-income people around the country, the single most important issue facing Maine's low-income population is the lack of available resources providing high quality legal services responsive to their legal needs. Maine's legal service community was significantly impacted by funding cutbacks in the early and mid-1990's that led to staffing reductions among the provider community around the State. While some new funding sources have been created for general legal services, and new grant sources have been identified for certain case types or client communities, the level of services for general legal problems is still below 1990 levels. Given that the 1990 Legal Needs Report indicated that services were only meeting 20% of the need at that time, one can infer that Maine services remain available to only a fraction of the people who could benefit from that access.

Because of this lack of staffing resources, Maine has pursued a number of strategies to encourage improvements in the justice system that will address the needs of low-income individuals. Maine has been in the forefront of initiatives to support self-represented litigations in understanding their legal rights and participating in legal proceedings from a more informed standpoint. These initiatives stem from creating of a Family Division for family law proceedings to innovations in service delivery and use of technology to support better understanding of the laws to the "unbundling" of legal services for all attorneys as a way to provide better access to lawyers for people of limited means.

The Justice Action Group (JAG) was first convened in 1995 by then-Chief Justice Daniel Wathen in response to the federal funding crises of the mid-1990's. The JAG has since evolved into the statewide access to justice entity that provides leadership and coordination for the planning and delivery of civil legal assistance and functions as a public voice for the legal services community. JAG is currently chaired by First Circuit Court of Appeals Judge Kermit Lipez. Its Vice Chair is Maine Supreme Judicial Court Justice Howard Dana, a former member of the LSC Board of Directors, JAG membership consists of representatives from: the state legislature, the judiciary, the executive branch, the Maine State Bar Association, the Maine Bar Foundation, the Maine Civil Legal Services Fund Commission, Pine Tree Legal Assistance, Volunteer Lawyers Project, Legal Services for the Elderly, Maine Equal Justice Project/Partners, and the University of Maine School of Law.

JAG's work will be described in greater detail throughout this report. It is important now to note that JAG has made increased funding for legal services its top priority in the coming year. JAG recently appointed a Resource Development Planning Committee chaired by Robert Echols, SPAN Coordinator, to investigate the current fundraising efforts of the providers and to report on how JAG could best assist the providers in obtaining and/or maximizing available resources. This report of the Resource Development Planning Committee included the following conclusions and recommendations:

- For a state with a relatively low per capita income, Maine has been very effective in developing resources for civil legal aid. Nevertheless, the level of resources currently available falls far short of what would be necessary to meet the full need for services.
- The current differences in funding levels among the states for civil legal assistance are largely attributable to differences in the various categories of state funding—appropriations, IOLTA, funds from court filing fee surcharges and fines, and state grants and contracts. If Maine is to achieve a substantial increase in funding, it is most likely to occur through an increase in state funding. Similarly, if state funding were to be cut, the result would be devastating. Even if the time is not ripe for an immediate legislative effort to obtain additional funding, a long-term strategy to increase state funding should be developed.
- A communications strategy should be part of—indeed the basis of—a long-term strategy to increase state funding. Increasing understanding among legislators, other state officials, opinion-leaders, and the public in general of the level of need for civil legal aid and the importance of the work our providers do will help build support for state funding. It will also build support for non-governmental fundraising. Priority should be given to educating legislators, funders, and key opinion-leaders.
- Resource development efforts would benefit from increased input from people who have not been involved to date, but who may have creative new ideas, valuable new perspectives, or a different set of contacts.

JAG is currently implementing the recommendations the Resource Development Planning Committee including the development of a long-term legislative strategy to increase state funding and a communications strategy to highlight the work of the providers. Both of these efforts will be discussed in greater detail later in this report.

2) What are the components of the delivery system?

There are five main providers of legal services in Maine: Pine Tree Legal Assistance, Legal Services for the Elderly, Cumberland Legal Aid Clinic, Maine Equal Justice

Partners & Project and the Immigrant Legal Advocacy Project. In addition, the Volunteers Lawyers Project is the primary *pro bono* program in Maine.

Pine Tree Legal Assistance

Since its doors first opened in 1967, Pine Tree has provided free, high quality legal services to thousands of Maine residents with civil legal problems. Pine Tree services are primarily limited to poor Mainers, generally those individuals whose household incomes are at or below 125% of the federal poverty guidelines. (Special grants allow some services to individuals living above the 125% poverty guidelines, including victims of domestic violence.) Because its resources have never been sufficient to meet the volume of demand for assistance by eligible clients with serious civil legal problems, Pine Tree prioritizes its services according to several important goals:

- Maintaining, enhancing and protecting income and economic security for low-income Mainers;
- Preservation of housing and related needs;
- Promoting the safety, stability and well-being of low-income Mainers;
- Improving outcomes for children;
- Meeting the legal needs of populations with special vulnerabilities;
- Improving the delivery of legal services and access to justice for low-income Mainers statewide;

Pine Tree maintains four primary field offices in Portland, Augusta, Bangor and Presque Isle, as well as three smaller offices in Lewiston, Rockland and Machias. Pine Tree operates special statewide units for services to Native Americans and migrant farmworkers from its location in Bangor. Pine Tree also staffs and provides substantial funding for the Volunteer Lawyers Project (VLP), which organizes the *pro bono* contributions of private attorneys to expand upon the legal services available from Pine Tree staff.

Pine Tree relies on its web site, at <http://www.ptla.org>, to provide substantial information to the general public and to low-income individuals about their legal rights. In 2001, the Pine Tree web site was visited 315,845 times (almost twice as often as in 2000), and roughly ten times as many “hits” were recorded on the website during the year. There were more than 100,000 of our client education and self-help articles downloaded and more than 200,000 of our court and other legal forms, most of them interactive so they could be filled out on line. These statistics continue to show very substantial growth in access to Pine Tree’s website materials as more and more clients gain access to and familiarity with the Internet.

In October, Pine Tree launched its new HelpMeLaw website (<http://www.helpmelaw.org>) which offers a client portal to information from all the

Maine legal services providers as well as relevant state and federal agencies, and social service agencies. The central feature of the HelpMeLaw site is its "smart" search engine which not only provides more traditional search results for legal information, but also directs users to related information, to legal help for their particular problem, and to social services agencies that might help with the problem.

Legal Services for the Elderly

Maine seniors relied on Legal Services for the Elderly for representation, assistance, and information on a broad range of legal problems and questions, including:

- Physical Abuse
- Financial Exploitation
- Medicare and Social Security
- Nursing Home Eligibility and other Long Term Care matters
- Medicaid, Food Stamps, Prescription Drugs, HEAP, and other public assistance programs
- Consumer Fraud
- Debt Collection
- Housing
- Other civil matters
- Financial and health care powers of attorney.

LSE reaches thousands of needy seniors, their family members, and caregivers by providing the following services:

- Extended representation through its staff attorneys in Area Offices in Area Offices in Augusta, Bangor, Lewiston, Portland and Presque Isle
- Brief services, advice and counsel, and health insurance information through the Hotline; and community educational presentations. The Hotline gives every need elderly Mainer with access to a phone the ability to call toll free and speak directly with a live attorney or paralegal. The Hotline is also a very effective referral services for those cases that LSE cannot take. The Hotline also has its own Reduced Fee Panel of private bar attorneys to help elderly Mainers whose income is between 125% and 200% of poverty.
- In addition, many thousands of Mainers were able to get up-to-date and accurate information on LSE's website (<http://www.mainelse.org/>) on such topics as Health Care Decisions, Medicare and Medicaid, Probate and Wills, and Elder Abuse.

Cumberland Legal Aid Clinic

Established in 1969, the Clinic is run by the University of Maine School of Law and provides legal services to low-income individuals in Maine. It is staffed by third year law

students specially licensed under the Rules of Court to practice under faculty supervisors who are experienced members of the Maine Bar. The Clinic's mission is two-fold: educating law students through an intense, high-quality clinical and mentoring experience while providing pro bono legal services to indigent Maine citizens.

The Clinic represents low-income individuals at the trial and appellate level in Cumberland, York, Androscoggin, Southern Oxford and Sagadahoc Counties as well as before state agencies in Augusta. The Clinic handles civil and criminal cases, including family matters, consumer cases, debt collection, benefits cases, criminal and traffic defense, and a variety of other civil matters.

The Clinic staff conducts the initial screening of clients to determine eligibility; the student attorneys complete the intake process. Because the Clinic is not able to help all eligible individuals, other considerations in accepting the case are:

- client need
- the availability of a student attorney
- the availability of alternate sources of legal services or assistance
- the Clinic's ability to provide quality representation
- the amount of Clinic resources required to represent the client in the matter
- the educational value of the case.

The Clinic's income guidelines are essentially 125% of the federal poverty guidelines, although the faculty supervisor may exercise discretion to take on a client whose income is slightly over that level after consideration of the factors above

Maine Equal Justice Partners and Maine Equal Justice Project

The **Maine Equal Justice Partners** and the **Maine Equal Justice Project** are dedicated to providing low-income Maine people the legal representation they need to have an effective voice on systemic issues affecting their lives. Both organizations focus on people's basic needs: housing, food, utilities, source of income, health care, child care, education and training, and working conditions. The **Partners** provides legal representation in litigation and in administrative proceedings that will have a system-wide impact. The **Project** represents low-income people in the Legislature. Their staff are committed to reaching out to low income groups to provide education on topics important to them.

MEJP works to ensure that programs administering to such needs operate fairly and with due process of law, that Maine's low-income population have access to them, and that low income people are adequately informed on programs as they evolve and change. In much of their work, MEJP represents the Maine Association of Interdependent Neighborhoods (*MAIN*), a statewide coalition of low-income individuals and organizations consisting of low-income individuals which collectively represents over

10,000 people. MEJP provides these free civil legal services to Maine people with income below 150% of the federal poverty guide.

MEJP has three main components of service delivery: impact litigation, rulemaking proceedings and other administrative advocacy, and the provision of client education materials and training.

Immigrant Legal Advocacy Project

The Immigrant Legal Advocacy Project (ILAP) seeks to advocate for and to improve the status and well-being of Maine's low-income non-citizens and their families by providing affordable legal services, and by educating and working with service providers, policy makers, and the public concerning legal issues unique to non-citizens. ILAP provides the following services:

- Education and outreach to immigrant community groups and service providers about immigration issues
- Attorney consultations and INS application assistance for low-income persons who need immigration information or help to properly complete and document various immigration applications. Currently, consultations cost \$10 per 1/2 hour. Low fees are charged for application assistance, and vary by type of application.
- Training for service providers about immigration issues relevant to the clients they serve.
- ILAP website answers frequently asked immigration questions and provides updates in immigration law and other issues important to non-citizens in Maine.

3) Has this system created mechanisms to assess its performance in relationship to commonly-accepted external guides such as the ABA Standards for Providers of Legal Services to the Poor, the LSC Performance Criteria or some other set of objective criteria? What is the protocol for undertaking system performance review and when was a review last taken?

Pine Tree Legal Assistance adopted “Standards of Performance” for its legal work in 1994, modeled closely on the ABA Standards for Providers of Civil Legal Services to the Poor.” Those Standards are available online at <http://www.ptla.org/staff/standard.htm>. Internal program discussions have suggested the need to revisit the Standards in order to reflect changes within the organization in the past 8 years and to engage the many new staff people at Pine Tree in a comprehensive discussion of the Standards. This effort should be completed by Fall. Pine Tree also relies on a number of other mechanisms to gauge performance of its staff and the quality of its legal work, including case reviews by experienced attorneys, informal and formal mentoring and supervision systems and periodic feedback from Court members and the private bar. The detailed staff evaluation forms also reflect the specific components of these Standards of Performance. Pine Tree staff are also subject to some specific grant requirements that address the quality of legal

work and overall performance, including specific outcome measures for a domestic violence project funded through United Way, and evaluations presently being conducted for several technology projects. Perhaps most importantly, the Pine Tree Board of Directors has taken a leadership role in assessing internal program services and performance, both through review of case service statistics and general services and by soliciting staff input and presentations to address legal services made available from Pine Tree offices and projects.

The last comprehensive review of all Pine Tree services around the State was conducted in 1994 in connection with a six-person peer review team composed of legal service advocates from around the United States with support from LSC. (Unfortunately, LSC peer reviews of this type have not been funded since the major cutbacks in funding in 1996.) More recent program reviews have been focused on particular services or particular grant streams. In 1998, Pine Tree used an outside evaluator to assess the effectiveness of its client education materials, using the results of that written evaluation to improve its approach in a range of self-help services. Low-income individuals are periodically convened as a “focus group” to provide feedback and assessment on comparable services, including many of Pine Tree’s web-based initiatives. Current performance reviews include an evaluation of Pine Tree’s Low-Income Taxpayer Clinic on April 25th by a staff representative from the national LITC office and an evaluation of Pine Tree’s domestic violence advocacy services that receive DOJ funding that will be completed over the summer.

The Volunteer Lawyers Project has followed the ABA Standards for Pro Bono Providers rather than adopting a separate internal standard. The VLP was last subject to a comprehensive review of its services by an ABA Pro Bono team in the early 1990’s. However, the VLP also used an outside facilitator/evaluator in developing a strategic plan for its operations in 1998, a plan that addresses many aspects of program performance and which continues to impact on VLP services to the present time. The Maine Bar Foundation’s VLP Advisory Committee also functions as a source of input and comment on VLP operations.

4) Does your statewide system work to ensure the availability of equitable legal assistance capacities to clients—regardless of who the clients are, where the clients reside or the languages they speak? How does your system ensure that clients have equitable access to necessary assistance including self-help, legal education, advice, brief and representation in all relevant forums? Please describe what steps you anticipate taking to ensure equitable access in the coming years.

Maine has many unique challenges given the size of the state and the relatively few population centers. Following the funding cuts in the mid 1990’s, providers were forced to cut back on services in the more remote parts of the state. Due to new sources of

funding, providers have endeavored to restore access to services. Examples of these activities include:

Down East Maine

- Pine Tree has added a full-time attorney position to the Machias office of Pine Tree Legal Assistance, the only local legal services office in the County with Maine's highest *per capita* poverty rates.
- Legal Services for the Elderly has re-established regular outreach in Machias.

MidCoast Maine

- Pine Tree has opened an office in Rockland from which a full-time attorney and paralegal work in providing services to victims of domestic violence in a three county area of coastal Maine.

Western & Southern Maine

- Legal Services for the Elderly has opened a Lewiston office, and filled a much-needed second attorney position in Southern Maine.
- Pine Tree reopened its Lewiston office with a full-time paralegal and two part-time attorneys who share daily coverage for local clients..
- The Cumberland Legal Aid Clinic has expanded service to hundreds of people in Lewiston and South Paris in Protection from Abuse cases.
- The Clinic has also worked with the Abused Women's Advocacy Project in Lewiston and South Paris to provide paperwork assistance and brief advice on a walk-in basis in Lewiston.

Pine Tree relies on a network of seven offices around the State to provide local access to its services for low-income individuals, based on experience that suggests that many Maine people prefer a local presence and local "face" when seeking help with very personal legal problems. For this reason, the network has actually been expanded in the past three years from four offices and two outreach sites to seven offices. While some of the newer offices and outreach sites are only staffed with one attorney and one paralegal, Pine Tree's sophisticated technology systems provide significant support to those small offices and have made the lower staffing numbers feasible from a quality and supervision standpoint. Intake is provided at all the local offices both by telephone and in person; the VLP and the Native American/Farmworker Units also offer toll-free access to their services by phone. Pine Tree and the VLP also maintain relationships with many organizations to channel appropriate cases directly to their offices. Finally, Maine's legal service providers are all participants in a statewide "seamless access network" for telephone requests for service, using Centrex and other phone services to immediately transfer any caller to the "right" provider for assistance.

Concern regarding access barriers confronted by individuals with limited English proficiency and members of the Deaf community have prompted additional efforts at Pine Tree and the VLP. Both organizations rely on Language Line to provide immediate assistance to callers who do not speak English as a first language. Usage rates confirm both the importance of this resource for LEP clients, and the increased costs associated with eliminating this barrier to access, for monthly bills average \$900 - \$1,000. Pine Tree and VLP also utilize local in-person interpreters for these cases where necessary, using contracts with local translating/interpreting services. Pine Tree offices and the VLP provide services to Deaf clients via TTY phone services, and use of American Sign Language interpreters on a contractual basis. The videoconferencing system in place at all PTLA and VLP offices also permits video transmission of ASL interpretation between the statewide headquarters of the Pine Tree Society (the primary referral source for ASL interpreters) and PTLA or VLP offices around the State.

All of the providers have placed increasing emphasis on web-based tools as a way to provide people around the State with immediate access to legal information, detailed “how to” strategies and other problem-solving techniques, and interactive court forms for family law proceedings. The most prominent example of this is the launch of Pine Tree’s new HelpMeLaw website (<http://www.helpmelaw.org>) which offers a client portal to information from all the Maine legal services providers as well as relevant state and federal agencies, and social service agencies. The central feature of the HelpMeLaw site is its “smart” search engine which not only provides more traditional search results for legal information, but also directs users to related information, to legal help for their particular problem, and to social services agencies that might help with the problem.

Information about Pine Tree services is available in seven languages on its home page (www.ptla.org) and many of the most popular legal education materials have been translated into at least one other language. (Pine Tree’s commitment to bilingual outreach on its website was recently commended as a “best practice” by the National LEP Advocacy Task Force, which maintains a listserv to which several PTLA advocates are subscribed.) Annual editions of Farmworker News are always produced in both Spanish and English, given the dominance of Spanish-speaking migrant farmworkers in Maine. Pine Tree’s website and the companion website at www.helpmelaw.org are also “bobby-approved,” signalling their user-friendliness to individuals with disabilities.

Legal Services for the Elderly has also created multilingual information about its services on the home page of its website at www.mainelse.org.

5) How does the legal service delivery system employ technology to provide increased access and enhanced services to clients throughout the State? What technological initiatives are currently underway and how will they support the integrated statewide delivery system?

As a rural state with limited staff resources, Maine has increasingly turned to technology

applications to expand the scope of its services. Past TIG grants have effectively served to leverage client access to Pine Tree services, through the 2000 TIG website project at HelpMeLaw.org and, in 2001, via a unique videoconferencing partnership with Maine Telemedicine Services to enhance client access at medical facilities around the State. Successful technology grants from the TOP program at the US Department of Commerce and from Maine's IOLTA foundation have had similar project purposes.

While access to services is a fundamental requirement, the **quality of services** must also remain high. Pine Tree recently submitted a new 2002 TIG grant that is designed to address quality issues in three important areas: (1) the ability of self-represented litigants to effectively complete court pleadings and forms; (2) the ability of staff to utilize "best practices" in internal documents and pleadings; and (3) the overall orientation and training of staff in a job environment that now presumes frequent turnover and regulatory change.

(1) The ability of self-represented litigants to effectively complete court pleadings and forms: Pine Tree's websites contain an ever-growing library of interactive .pdf court forms and pleadings. The most popular forms related to family law proceedings, in which more than half of all litigants are proceeding on a *pro se* basis. Other forms include those appropriate for eviction defense and other landlord tenant problems, food stamp eligibility calculation, homestead exemption applications, and Small Claims Court. These interactive forms are one of the most frequently used features of the Pine Tree and HelpMeLaw websites: we estimate that at least 162,000 forms were downloaded in 2001.¹ The creation of public access terminals in Maine courthouses to provide litigants with access to the HelpMeLaw website (an aspect of the 2000 TOP grant) has created new customers and engaged Court clerks in an effort to make the website even more useful to self-represented litigants. One major drawback to the current website system flows from Acrobat Reader, the free software program used by most people to create the interactive forms, **as it will not allow partially completed forms to be saved and worked on again at a later date.** As the I-CAN project in California has demonstrated, an equally daunting barrier is created by the legal terminology and formatting unique to court forms and pleadings: many court users simply require more information in order to complete court forms appropriately. Fortunately, LexisNexis has developed a new version of HotDocs Online that works with .pdf files and can be programmed to address this need.

To exploit these features to full advantage, Pine Tree and the Maine Judicial Branch will develop a series of "client self-interviews" organized to correlate to the existing .pdf forms on the Maine websites. Litigant information will be elicited in a simple Q & A

¹ In 2001, Pine Tree's website statistics program counted 234,437 .pdf files downloaded from the website. This includes some non-form .pdf documents and there is some indication that the figure may not be precisely accurate. For these reasons we have made a very conservative estimate of form downloads based on 1st Quarter statistics. This includes both interactive forms and non-interactive forms that need to be prepared by hand or typewriter.

format posted on the websites. In much the way that TurboTax and other programs elicit information to complete federal tax forms, litigant responses to these simple questions will then be utilized to populate the appropriate fields in the .pdf court documents housed on the HelpMeLaw and Pine Tree websites.

(2) The ability of staff to utilize “best practices” in internal documents and pleadings: Pine Tree Legal Assistance, and virtually all legal services providers in the state of Maine share a common case management system – Practice Manager, which was funded primarily through a series of technology grants from the State’s IOLTA funder, the Maine Bar Foundation. To date, the case management software has been primarily utilized to record essential client information, track time and generate reports.

Since the major funding cutbacks of the early and mid-1990’s, virtually all legal documents are generated by advocates individually, without secretarial assistance. While more experienced advocates have created files in Word of frequently used pleadings and correspondence, over half of Pine Tree’s staff attorneys are working in their first professional job and they are dependent on others to model the “best practice” pleadings and letters. Staff lack an efficient, simple mechanism by which they can reproduce standard documents and pleadings with the information specific to their individual client. As a result, the Pine Tree Attorneys’ Union has prioritized document assembly as one of the most important enhancements to legal practice at Pine Tree.

Practice Manager includes a native document assembly tool as part of its basic software. However, Practice Manager is also built so that it can be fully integrated with HotDocs, which offers a more robust document assembly package. Moreover, by coupling this effort with the HotDocs project focused on self-represented litigants, significant economies of scale can be achieved with programming time. Working with the model pleadings and letters that have been refined over years of usage by experienced Pine Tree attorneys, programmers will assemble a library of model pleadings and letters for use by all Practice Manager users and accessible on everyone’s desktop. Any staff person can then assemble case-specific client opening and closing letters, complex and simple court pleadings and other legal documents with just a few keystrokes, simultaneously realizing both high quality workmanship and efficiency.

Both the Maine and Ohio projects involving the use of HotDocs will allow the same data to be used to populate multiple forms, and will allow data to be saved for future use and modification. The HotDocs Online will be housed initially on the Chicago Kent School of Law web server, but after development, transported to its own server, which will be made available to other open-source statewide websites, and others, as requested and as capacity allows.

(3) The overall orientation and training of staff in a job environment that now presumes frequent turnover and regulatory change: Pine Tree once was an organization dominated by staff with 10 - 20 years experience. Today, more than half of

all employees have joined the program in the past five years. Of its twenty staff attorneys, a total of 17 have joined the program in the past five years and Pine Tree is a “first job” for eight of that number. This daunting orientation and training situation is compounded by the range and complexity of the LSC requirements with which all Pine Tree employees must become familiar, as well as the other funder requirements that are associated with Pine Tree’s 20+ separate funding sources. The presence of staff in seven locations around the State and the lack of supervisory resources exacerbate this problem even further.

To meet this need, Pine Tree proposes the creation of a Distance Learning Center accessible to individual employees around the State. This Center will provide a “virtual learning environment” [VLE] that supports a wide variety of media (including interactive documents, digital audio and video, and online tutorials) and learning styles. With relatively modest investments in additional laptops and a file server to house this information, the Center would take full advantage of Pine Tree’s existing investment in technology, including its videoconferencing system, wide area network, digital video technology and software. It also would leverage the special expertise of Pine Tree’s two ITC staff, Chuck Henegar and Laura Henderson, whose resumes are provided in the Appendix. The Distance Learning Center curriculum will address internal programs and policies, LSC requirements, use of program systems (phones, email, case management software, videoconferencing), and effective work within the Maine legal community. (A detailed list of proposed training modules is provided in the Appendix.) The project will also take advantage of practice-oriented training materials developed by the New England Regional Training Consortium, for which separate TIG funding is sought.

Of critical importance to the VLE is course-authoring/training-management software. While Pine Tree hopes to partner with the New England Regional Training Consortium to gain access to the WebCT software platform, Pine Tree will also utilize PowerTrain CMI 3.1 by Solution Providers, which offers the necessary functionality. The primary goal is to develop a coherent training system that is available statewide and can be delivered in a variety of ways to employees at their desks and in larger group settings in their local offices. As Pine Tree’s recent experience with technology training suggests, diverse learning styles must be addressed by such multi-faceted methods as one-to-one training, self-paced tutorials, one-to-many group training, and Pine Tree’s Citrix-based shadowing technology. Statewide delivery will be based on the digitizing of all training/orientation materials. Documents, video, audio, and tutorials will all be available via a browser-based implementation housed on a file server on the Pine Tree WAN (and accessible via Citrix to all legal service providers in the system.)

Important to the development of a training system are a self-evaluation component (so the individual learner can judge his or her competence within any area of training) and a method for supervisors to monitor their employees’ skill levels and training achievements. Essential to the training system will be the ability to integrate with other training systems and materials, making a broader range of training available seamlessly

to Pine Tree employees. Coordination of this project with the related TIG proposed by the New England Regional Training Consortium demonstrates one of the ways that integration can be achieved. The involvement of key bar leaders from Maine in the curriculum design and delivery is an equally important collaboration.

6) How has the legal service delivery system expanded its resources to provide critical legal services to low income clients including hard to reach groups such as migrant farmworkers, Native Americans, the elderly, those with physical or mental disabilities, those confined to institutions, immigrants and the rural poor?

Pine Tree operates special units to serve migrant farmworkers and Native Americans around the State from offices in Bangor. Specially trained and experienced staff utilize outreach, web-based tools and other services to augment a toll-free telephone intake number and regular newsletters which are targeted to these two client populations. Pine Tree's network of seven local offices around the State has been designed to provide meaningful local access to Maine's rural poor, based on experience which suggests that these clients are often mistrustful of statewide toll-free numbers and lack transportation reliable enough to reach more centrally located offices. The tiny staff of the Migrant Farmworker Unit based in Bangor visited over 110 different labor camps in 2001, traveling over 11,000 miles to meet with migrant workers involved in various agricultural activities (including blueberry, apple, broccoli, and vegetable harvests, tree-planting, and egg production.). The Unit also distributed approximately 1,500 copies of "Farmworker News/Noticias Compesinas," a Spanish/English client education newsletter which the Unit produces each year for farmworkers and distributed over 800 newsletters addressing the laws impacting on H-2A workers as part of a regional collaboration in New England.

Similarly the Native American Unit staff conducted regular outreach to all four tribes in Maine in 2001 on a quarterly basis, allowing Pine Tree to provide much more responsive services to low-income members of the Penobscot Indian Nation, Passamaquoddy Tribe, Houlton Band of Maliseets and Aroostook Band of Micmacs. The Unit also distributed over 3,000 issues of "Wabanaki Legal News" in two editions during the year.

The Legal Services for the Elderly's Hotline gives every needy elderly Mainer with access to a phone the ability to call toll free and speak directly with a live attorney or paralegal.

The Immigrant Legal Advocacy Project (ILAP) was launched in 1999 by Maine Equal Justice Partners, Inc. (MEJP) to address the growing need of low-income Maine residents and service providers to have access to information and legal assistance concerning immigration law and other issues that may relate to immigration status. Until MEJP initiated ILAP, Maine had never had an agency specializing in legal assistance concerning a broad range of immigration matters. In 2000, ILAP has spun off from MEJP to become an independent nonprofit corporation. While ILAP's services are still limited

due to funding constraints, ILAP provides outreach and education to immigrant community groups and service providers about immigration issues through presentations, materials and its website (www.immigrantlegaladvocacy.org)

7) What steps have been implemented within the legal services delivery system and among client communities to identify and nurture new leaders? Do the existing leaders reflect the diversity within the state and within the client communities that your delivery system serves? Do your state's equal justice leaders reflect the gender, race, ethnic and economic concerns of important but sometimes overlooked groups within your state? Does the leadership provide opportunities for innovation and experimentation; does it support creative solutions to meet changing needs; are new ideas welcomed; are clients nurtured as leaders? Has the leadership been given sufficient authority and resources to implement needed changes?

As contemplated by regulation, Pine Tree's 36 member Board of Directors includes 12 low-income individuals, many of whom have served for many years on the Board of Directors and who take a leadership role within the organization and in their own communities on issues facing poor people in Maine. Pine Tree's President, Judy Guay, is a low-income activist who has served on the Board for 20 years and who has also served on the Maine Commission on Legal Needs, the Dirigo Project and other justice-related projects around the State.

Leadership opportunities are often promoted through the Maine Association of Interdependent Neighborhoods, a low-income advocacy group which meets on a monthly basis and whose members include many low-income leaders from around the State, including representatives of Maine's Native American communities. MAIN advances a legislative agenda each year in partnership with the Maine Equal Justice Partners and works closely with State officials on administrative issues during the year.

Low-income individuals do not currently serve on JAG or its task forces. Neither JAG nor its Task Forces have recruited members in order to reflect particular client constituencies or demographic considerations. However, JAG convenes task forces made up of volunteers from the provider community, the bar, and other concerned constituencies to consider specific problems in the availability of civil legal services and to develop solutions to those problems. JAG endeavors to hear from as many voices as possible regarding access to justice issues and encourages new and innovative thinking. Provider input to the JAG comes through the Advisory Committee of Providers, consisting of staff representatives of providers, the State Bar Association, and the Bar Foundation. JAG currently has six active task forces—the Task Force for the Self-Represented, the Resource Sharing Task Force, the Administrative Law Task Force, the Legislative Task Force, the Communications Task Force and the Coordinated Access Task Force.

8) What do you envision will be your next steps to achieve a client-centered integrated and comprehensive delivery system within your state or territory? How will clients be actively involved in the determination of these next steps?

Providers have worked together on a number of projects to achieve a statewide, integrated delivery system. Some highlights of their work include:

- Creation of a “seamless web” of assistance for low-income and needy elderly clients, whereby callers calling the “incorrect” provider can be transferred to the correct provider.
- The providers adopted a standardized case management program that will allow accurate reporting of client service statistics, building on the use of the providers’ shared “information technology coordinator.”
- The providers pooled information regarding the unmet legal needs of low-income and disadvantaged Mainers in order to maximize the assistance to the most vulnerable groups without duplicating services;
- The providers continue to schedule joint trainings that promote the provision of high quality services and take advantage of in-house experts around the state or minimize expenses by sharing the cost of outside trainers;

Providers continue to work together on a number of projects through the Task Forces of the Justice Action Group. As noted in the beginning of this report, the most important new project for JAG is enhancing the resource development efforts of the civil legal services providers in Maine. The JAG Resource Development Planning Committee recently submitted its report documenting the current fundraising efforts of the civil legal services providers and recommending new approaches. The report recommends that one of the ways JAG can support the individual fundraising efforts of legal services providers is through the implementation of a communications strategy highlighting the work of legal aid.

This recommendation follows on the heels of work done by the National Legal Aid and Defender Association (NLADA) to develop a national public awareness campaign with funding from the Open Society Institute. The campaign is based on research done by Belden, Russonello and Stewart, a national marketing firm, which shows that there is widespread support for civil legal aid, but very low public understanding of the extent of the need and the existence of programs in the community to meet those needs. Eighty-nine percent of those surveyed agree that legal help for civil matters should be provided for low-income people. Over half of the public *strongly* supports the idea. Eighty-two percent of the public supports civil legal aid even when it is described as a government-funded program. This potential widespread support means that the civil legal aid community can employ a broad message to the American public. A clear majority in

every group (women, men, conservatives, liberals, young people, older people, low-income people, upper-income people, and minorities) supports the concept.

Perceived lack of need is a barrier to support, along with low visibility of civil legal aid programs. A very small percentage of people polled were aware of civil legal aid organizations in their community, and even fewer could name a particular program. The central communications goal, therefore, is to inform the public about these community-based programs.

JAG will use the messages that have been developed including prototype print advertisements, public service announcements, power point presentations, and training materials for use by legal aid providers and supporters in developing their skills as public advocates for legal aid. This communications strategy will be used to assist the legal service providers in both publicizing their work in the community and maximizing their resource development efforts by raising awareness of their services.

JAG's Legislative Task Force is also in the process of working with the Advisory Committee of Providers to develop a long-term strategy legislative strategy for obtaining more state funding. To date, JAG has not actively sought the input of clients of legal service providers. This is an issue that has been overlooked and should be addressed by JAG.

9) What has been the greatest obstacle to achieving a statewide, integrated, client-centered delivery system and how was that obstacle overcome or, alternatively, how do you plan to overcome that obstacle?

10) Has any benefit-to-cost analysis been made in terms of creating a comprehensive, integrated and client-centered legal services delivery system in your state? If yes, what does your analysis show?

To what extent have intended outcomes of a comprehensive, integrated client-centered legal service delivery system been achieved including but not limited to service effectiveness/quality; efficiency; equity in terms of client access; greater involvement by members of the private bar in the legal lives of clients, and client-community empowerment?

Areas of exploration include:

1) In terms of the issues impacting upon low-income person within your state, what strategies have you designed to address these issues and how do you plan to measure your future success in addressing your objectives?

- 2) Has the legal services delivery system expanded access and services through coordination with providers throughout the state? Can this be quantified?**
- 3) Has the quality of services provided by the legal services delivery system improved. How?**
- 4) Since 1998, has there been improvement in the relative equity of client access throughout the state for all low income clients regardless of who they are, where in the state they reside, what languages they speak, their race/gender/national origin, or the existence of other access barriers? How is this equity achieved?**
- 5) Since 1998, has there been improvement in the relative equity in terms of the availability of the full range of civil equal justice delivery capacities throughout the state? What mechanisms have been developed to ensure such relative equity is achieved and maintained? Since 1998, has there been improvement in the relative equity in the development and distribution of civil equal justice resources throughout the state? Are there areas of the state that suffer from a disproportionate lack of resources (funding as well as in-kind/pro bono)? If so, is there a strategy to overcome such inequities?**
- 6) Does this legal services delivery system operate efficiently? Are there areas of duplication?**
- 7) Has the system expanded the way it involves private lawyers in the delivery of essential services to low-income persons? Does the system effectively and efficiently use the private bar to deliver essential services to low-income people.**

Since 1995, JAG has been very active in the planning and coordination of legal services to indigent populations. These initiatives build on more than a decade of partnership among the bar, the courts, the legislature, and legal services providers. In 1990, the Commission on Legal Needs in Maine, chaired by former Senator Edmund Muskie, convened a series of hearings around the state and issued a report calling for increased resources for legal services and made a number of recommendations for improving access. Under the leadership of an implementation committee created in the wake of the report, over the next five years a number of steps were taken to increase and support pro bono participation in the delivery of civil legal assistance, support pro se litigants, increase IOLTA participation, and eliminate barriers to access. The state legislature also followed up on the report by creating the Commission on the Future of Maine's Courts, with a similarly broad composition. In response to its report, issued in 1993, a number of steps were taken by the courts to assist low-income and pro se litigants.

Among the most significant achievements resulting from these earlier Access to Justice initiatives were the following:

- A substantial increase in IOLTA rates at most major banks.
- Enactment of bipartisan legislation to increase court filing fees and fines to provide funding for legal services, through the Civil Legal Services Fund, overseen by a citizen Commission.
- Creation of the Maine Equal Justice Project, to provide representation of low-income people before the state legislature, and Maine Equal Justice Partners, a network of pro bono litigators willing to engage in administrative advocacy, class actions, and other broad systemic advocacy prohibited by LSC restrictions.
- Development and implementation, with substantial donated funding and in-kind donations, of a statewide technology plan, enabling the five major providers to computerize their operations fully and to improve their telephone systems dramatically.
- Establishment of a new public interest fellowship program named in honor of the JAG's first Chair, U.S. District Court Judge Frank Coffin, supported with funding by the twelve largest law firms in Portland.
- Creation of a new Family Division in the courts to handle family law matters and to be more responsive to the needs of pro se litigants, accompanied by simplification of court forms and hiring of a Volunteer Coordinator within the court system to promote the recruitment and training of volunteers to help pro se litigants.
- Development and implementation of an interfaced intake system allowing for immediate transfer of client calls between provider agencies
- Development and implementation of a shared case management system for all providers of legal services in the state.

More recently, the cooperation among stakeholders that marked these endeavors has led to some exciting new initiatives to improve and expand access to justice for low-income people.

JAG's Task Force for the Self-Represented has been very active over the last year "unbundling" lawyer services to better meet the needs of low-income clients. This discrete task representation is now permitted through changes in both the Maine Bar Rules and Maine Rules of Civil Procedure. The Task Force has also taken on several projects to educate the bar, the bench and the public about the issues facing self-represented litigants.

The Resource Sharing Task Force has been studying ways to create economies of scale for the providers. This has included the exploration of a possible rules change so that provider-represented litigants might reduce or eliminate indigency paper work. In addition, the Task Force is developing a rules change to allow attorneys licensed in other

states to practice in Maine if employed by a legal services provider for up to two years without taking a bar exam. It is believed that this rules changes will widen the pool of qualified applicants for positions with legal service providers and also will enable providers to apply for more short-term fellowship positions.

The Administrative Law Task Force has prepared a survey to be filled out by the heads of all state agencies. The goal of this survey is to determine what procedures are currently being used during administrative hearings at various agencies and ways to improve the processes. The Volunteers Lawyers Project has expanded client cost reimbursement, increasing access to legal services for low-income Mainers by assisting both *pro bono* attorneys and their clients.

Maine has been very fortunate to have such collaboration among the private bar, the providers, the judiciary and other interested parties.

Are the best organizational and human resource management configurations and approaches being used?

Areas of exploration include:

- 1) For calendar year 2001, what is the current configuration of programs (LSC and non-LSC) that deliver services to low-income clients—i.e., what are the components (size, areas of responsibility, governance) of the delivery system? What are the funding sources and levels for each of these components of the delivery system?**

Pine Tree Legal Assistance (LSC funded)

Pine Tree is a nonprofit corporation with 501(c)(3) status established in 1966 by private attorneys in Maine to meet the need for legal assistance by low-income residents. Over the past 32 years, Pine Tree has become a recognized part of the justice system in Maine, providing help to over 275,000 Maine people since its doors first opened.

Pine Tree is governed by a local Board of Directors, composed of attorneys, client representatives of various organizations and at large members. Many of the Board members have served for 10+ years on the Board, and they take a very active role in setting policy for the program.

In addition to the funding received from the Legal Services Corporation, Pine Tree has received an annual appropriation from the State of Maine, as well as funding through the IOLTA (interest on lawyers' trust accounts) program administered by the Maine Bar Foundation. Starting in 1998, Pine Tree also began receiving annual funding from the Maine Civil Legal Services Fund, a new program intended to support the restoration of services lost with federal cutbacks to the Legal Services Corporation in 1996. These three

funding sources are the primary sources of support for basic services provided statewide by Pine Tree.

Pine Tree's remaining funding comes from contracts, grants and other "soft money" sources which restrict the kinds of clients and cases which can be handled with that funding. Pine Tree receives a significant grant from the United Way of Greater Portland to do domestic violence work. These sources of funding fluctuate from year to year.

An increasing percentage of support for basic legal services comes from donations from private individuals, businesses and foundations to Pine Tree directly or through its share of the net proceeds of the annual Muskie Award Dinner.

Legal Services for the Elderly (Non-LSC funded)

Maine seniors relied on Legal Services for the Elderly for representation, assistance, and information on a broad range of legal problems and questions, including:

- Physical Abuse
- Financial Exploitation
- Medicare and Social Security
- Nursing Home Eligibility and other Long Term Care matters
- Medicaid, Food Stamps, Prescription Drugs, HEAP, and other public assistance programs
- Consumer Fraud
- Debt Collection
- Housing
- Other civil matters
- Financial and health care powers of attorney.

LSE reached thousands of needy seniors, their family members, and caregivers by providing extended representation through its staff attorneys; brief services, advice and counsel, and health insurance information through the Hotline; and community educational presentations. In addition, many thousands of Mainers were able to get up-to-date and accurate information on LSE's website on such topics as Health Care Decisions, Medicare and Medicaid, Probate and Wills, and Elder Abuse.

LSE's funding includes the following:

- The Federal Administration on Aging, under the Older Americans Act
- The State of Maine
- The Bureau of Elder and Adult Services, Department of Human Services
- The Bureau of Medical Services, Department of Human Services
- The Aroostook Area Agency on Aging
- Senior Spectrum

- The Eastern Agency on Aging
- The Southern Maine Area Agency on Aging
- SeniorsPlus
- The Maine Bar Foundation
- United Way of Greater Portland
- Maine State Housing
- Verizon
- Banks and Lawyers who participate in Maine's IOLTA program
- attorneys who contribute to our annual attorney appeal
- individuals who make contributions to LSE

LSE is governed by a volunteer Board of Directors consisting of attorneys, elderly individuals and members of the community at large.

Maine Equal Justice Project/Partners (Non-LSC funded)

The **Maine Equal Justice Partners** and the **Maine Equal Justice Project** are dedicated to providing low-income Maine people the legal representation they need to have an effective voice on systemic issues affecting their lives. Both organizations focus on people's basic needs: housing, food, utilities, source of income, health care, child care, education and training, and working conditions. The **Partners** provides legal representation in litigation and in administrative proceedings that will have a system-wide impact. The **Project** represents low income people in the Legislature. MEJP has three main components of service delivery: impact litigation, rulemaking proceedings and other administrative advocacy, and the provision of client education materials and training

MEJP has two boards -- the Partners and the Project. Each board consists of attorneys, non-profit community leaders whose organizations serve low income people and low-income people (or people who have been low income).

MEJP receives funding from the Maine Bar Foundation/IOLTA, the Maine Civil Legal Services Fund, private foundations/grants, donations and interest and fees.

Cumberland Legal Aid Clinic (Non-LSC funded)

The Clinic is run by the University of Maine School of Law and provides legal services to low-income individuals in Maine. It is staffed by third year law students specially licensed under the Rules of Court to practice under faculty supervisors who are experienced members of the Maine Bar. The Clinic's mission is two-fold: educating law students through an intense, high-quality clinical and mentoring experience while providing pro bono legal services to indigent Maine citizens.

The Clinic represents low-income individuals at the trial and appellate level in

Cumberland, York, Androscoggin, Southern Oxford and Sagadahoc Counties as well as before state agencies in Augusta. The Clinic handles civil and criminal cases, including family matters, consumer cases, debt collection, benefits cases, criminal and traffic defense, and a variety of other civil matters.

The Clinic is governed by University of Maine School of Law and receives funding from the Maine Bar Foundation, Maine Civil Legal Services Fund, the University of Maine School of Law, and various grants.

Immigrant Legal Advocacy Project (Non-LSC funded)

The Immigrant Legal Advocacy Project (ILAP) seeks to advocate for and to improve the status and well-being of Maine's low-income noncitizens and their families by providing affordable legal services, and by educating and working with service providers, policy makers, and the public concerning legal issues unique to noncitizens. ILAP provides the following services:

- Education and outreach to immigrant community groups and service providers about immigration issues
- Attorney consultations and INS application assistance for low-income persons who need immigration information or help to properly complete and document various immigration applications. Currently, consultations cost \$10 per 1/2 hour. Low fees are charged for application assistance, and vary by type of application.
- Training for service providers about immigration issues relevant to the clients they serve.
- ILAP website answers frequently asked immigration questions and provides updates in immigration law and other issues important to noncitizens in Maine.

ILAP's work is supported by the Maine Bar Foundation, the Maine Community Foundation, Maine Initiatives, United Way of Greater Portland, other Maine foundations, and Lutheran Immigrant and Refugee Services, as well as through individual donations

- 2) Since October 1998, what other configurations and approaches have been seriously explored? Were any adopted? Were any rejected? Are any changes contemplated in the coming year?**
- 3) Is there any identifiable duplication in capacities or services in the state? How many duplicative systems—accounting systems, human resources, management systems, case management systems, etc.—currently exist? Does the service delivery system now in use minimize or eliminate duplications that existed prior to October 1, 1998?**
- 4) Since October 1998, what innovative service delivery systems/mechanisms/initiatives have been adopted in the state? Have any been explored and then rejected?**

JAG, through its task forces, has explored many approaches to improve the efficiency of the delivery of legal services, some of which were described in greater detail in other sections of this report.

One of the new configurations since October 1998 is the evolution of the Immigrant Legal Advocacy Project (ILAP). ILAP was launched in 1993 to address the growing need of low-income Maine residents to have access to information and legal assistance concerning immigration law and other issues that may relate to immigration status. Until 1999, ILAP was an entirely volunteer project, with several dedicated attorneys offering free representation to about 20 low-income Maine residents annually. Due to overwhelming demand, ILAP began expanding in 1999, and received invaluable assistance from Maine Equal Justice Partners (MEJP) as it transitioned into a staffed legal services agency. ILAP now serves about 1000 low-income Mainers throughout the state each year who need immigration information, brief assistance or legal representation.

Currently there are no other configurations being explored. The current system of providers appears to be working quite effectively given the limited resources available.

Because of the small numbers of providers relative to other states, there is very little duplication in capacities or services in the state. JAG's Coordinated Access Task Force considered the development of a single 1-800 number for all the providers but ultimately concluded that it would not be as effective as the current decentralized intake system. Instead, the Task Force developed the **SWAS** (Seamless Web Access System) telephone system which allows for the transfer of an intake call to another provider. Thus, if a caller has called a provider who is a part of this system and that provider for whatever reason cannot assist the caller, the caller can be directly transferred to a provider who can assist him or her. Staff members in the various providers' offices are this system not only for its originally intended purpose of improving direct access but also for conferencing with clients and non-legal service providers. Reports are that this unintended benefit is very effective in rendering client assistance.

The providers have achieved significant economies of scale through shared technologies. Today, the providers all utilize the same case management system--Practice Manager, which was funded primarily through a series of technology grants from the State's IOLTA funder, the Maine Bar Foundation. To date, the case management software has been primarily utilized to record essential client information, track time and generate reports. The providers also share two "information technology" positions that are housed at Pine Tree Legal Assistance but made available on a *pro rata* basis to the other providers, insuring that the unique technology systems in use by Maine's legal service providers are supported by experienced technology staff who also understand the work of each program. Finally, the providers have pooled resources to support ongoing use of this system by contributing on a *pro rata* basis to a "hardware" fund that will allow computer hardware supporting the case management system to be replaced on a periodic basis.

The providers also have developed their individual websites with significant support from national website leader Hugh Calkins, who has incorporated the individual details of their websites into the HelpMeLaw website. Efforts are now being focused on increasing public awareness of the HelpMeLaw website as a way to simplify public understanding of each provider's unique services and eligibility criteria, through a poster and public service announcement campaign that is being organized by the Maine Bar Foundation and the Coordinated Intake Task Force of JAG.